

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

| | | |
|---------------------------------|---|-------------------------|
| AL FREDO DOS ANJOS, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| 935 SMITHFIELD AVENUE, LLC and |) | |
| GEORGE PRESCOTT, SR. as Trustee |) | C.A. No. 18-265-JJM-LDA |
| of the 300 FRONT STREET TRUST, |) | |
| Defendants. |) | |
| |) | |
| v. |) | |
| |) | |
| JAMES P. MARTEL, JR., |) | |
| Defendant/Party-in-Interest |) | |
| |) | |

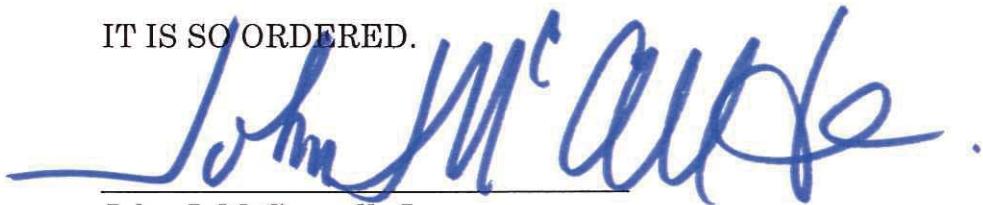
ORDER

Al Fredo Dos Anjos sued 935 Smithfield Avenue, LLC (“Smithfield”) in May of 2018, attempting to serve its former agent for service George Prescott, Sr. through the Rhode Island Secretary of State. Smithfield, however, was dissolved on December 31, 2017. Mr. Prescott makes a special appearance as an individual to move to quash service of process and to dismiss all counts against Smithfield. ECF No. 13. He asserts that because Smithfield did not exist as a Rhode Island limited liability corporation at the time this suit was filed, the Court has no personal jurisdiction over it and the case should be dismissed.

While Mr. Prescott is involved in this suit as trustee for Defendant 300 Front Street Trust, he is not an individual party defending his own rights here nor can he be acting as Smithfield’s representative. The Court finds that Mr. Prescott lacks

standing to raise Smithfield's legal status or this Court's personal jurisdiction over it. The only party that could raise that issue is Smithfield itself. Because that company was dissolved before this suit was filed and attempted to be served, Mr. Prescott's motion is not properly before the court. Therefore, the Court DENIES George Prescott's Motion to Quash and/or to Dismiss. ECF No. 13.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "John J. McConnell, Jr." followed by a period.

John J. McConnell, Jr.
United States District Judge

September 21, 2018